

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

**ELIZABETH SINES, ET AL.,**

Plaintiffs,

v.

**JASON KESSLER, ET AL.,**

Defendants.

Civil Action No. 3:17-cv-00072

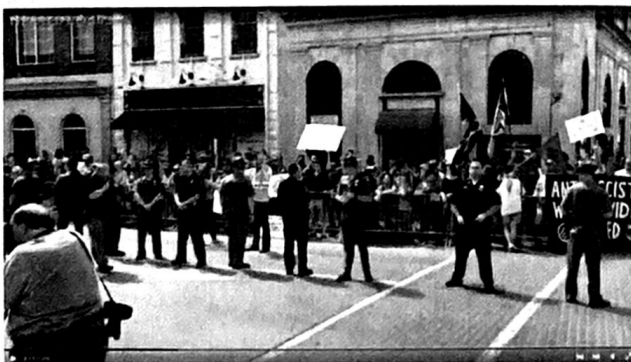
---

**DECLARATION OF MICHAEL TUBBS**

Pursuant to 28 U.S.C. § 1749, I, Michael Tubbs, state and declare the following on oath and under penalty of perjury:

1. I am over the age of eighteen (18) years old and am legally competent to make this Declaration.
2. I understand that the League pursues two objectives. It advocates for the South to secede from the United States and seeks to preserve traditional Southern history and culture. Exhibit 6 and Exhibit 7 accurately describe those goals.
3. Dr. Michael Hill often posts articles on the League's website. I understand these to reflect only Dr. Hill's views. Those views are not binding on other League members. League members have differing views, and they are free to disagree with Dr. Hill.
4. League members gather together for conferences and political protests. League conferences center around speakers. League protests involve spreading the League's mission and values. Some of these protests have also involved opposing the removal of historical monuments. In early 2017, the League protested the removal of a statue of

General Robert E. Lee in New Orleans. Exhibit 11 accurately describes that the League protested in April 2017. It also accurately describes that law enforcement separated oppositionists from League members and prevented conflict. The video in Exhibit 11 accurately shows that Anti-Fascist Action (“Antifa”) was present to oppose the event. The screenshots below are captured from that video.



5. Groups that are hostile to the League often come to League events. Until 2017, these oppositionists were peaceful, few law enforcement officers had to supervise our rallies, and there were no fights between oppositionists and League members. In 2017 larger and

more violent groups began appearing at League events. Law enforcement had a large and active presence. They separated oppositionists from League members. There were some scattered fights in New Orleans when oppositionists targeted League members who were not with the rest of the group.

6. I became familiar with symbols used by violent oppositionists at League events before August 2017. I noticed that the most antagonistic and violent oppositionists used symbols such as red and black flags, full black clothing, an image of two overlapping flags, an image of an encircled "A," and an image of three arrows pointing toward the 7 O'clock position. I understand these to be common symbols used by Antifa. I understand Antifa to be a loose coalition of groups that opposes people they deem fascists. I have read and observed that Antifa is associated with anarchism and attracts anarchists. I have read and observed that Antifa commonly tries to block access to events they don't agree with and attack people who try to attend those events.
7. Whenever the League holds an event, officers go to great lengths to prevent conflict and ensure the safety of members. Dr. Hill and other officers always instruct members to obey the law, avoid physical conflict, and to use force only in defense of self, property, and others. Exhibit 15 contains the instructions that Dr. Hill gave to League members before the Unite the Right rally. I repeated these instructions to attending League members on 11 August 2017.
8. I am not aware of the League playing any role in planning or attending any events in Charlottesville before August 2017. I did not personally play any role in planning or attending events in Charlottesville before August 2017.



9. I did not personally have any contact with planners of Unite the Right before 11 August 2017. That night, I attended a meeting where Matthew Heimbach and Jeff Schoep were present. I did not know personally and did not know of James Fields until after 12 August 2017. I did not have any contact with Richard Spencer, Andrew Anglin, Christopher Cantwell, Matthew Parrott, Robert "Azzmador" Ray, Nathan Damigo, Elliot Kline, Moonbase Holdings, LLC, Identity Europa, Augustus Sol Invictus, the Fraternal Order of the Alt-Knights, Michael Peinovich, the Loyal White Knights of the KKK, or the East Coast Knights of the KKK about planning the events of August 11-12, 2017.
10. I understand that Unite the Right planners used Discord to plan the event. I personally was not able to successfully use Discord. Exhibit 17 contains messages from me, indicating that I was not able to successfully use Discord because of technical issues. I was not and am not aware of any conversations on Discord about committing acts of intimidation or violence in Charlottesville. I never heard of or knew of plans by the Rally's organizers to commit racial violence in Charlottesville. I never heard of any or knew of plans by any of my co-defendants to commit racial violence in Charlottesville.
11. I learned that Antifa was planning to use violence against persons attending the Unite the Right rally before 12 August 2017. Based on personal experience from previous events, I believed that Antifa would follow through with its plan to attack rallygoers. I believed that League members should be ready to defend themselves and each other, but I fully believed that the police would separate oppositionists from rallygoers, as they always had. At most, I thought League members would have to fend off stray attackers until law enforcement could arrest them.

12. I view Antifa and other hostile groups as political adversaries. These groups have openly opposed and tried to disrupt League events. I view League events as opportunities to defy these groups by successfully gathering League members to make the League's views known. I believed that the Unite the Right rally was an opportunity to do this. I do not seek out violent encounters, but I believe that people have a right defend themselves and others when attacked.
13. I arrived in the Charlottesville area late on 11 August 2017. I and most other League members traveled from other states to attend the Unite the Right rally. Most League members, including myself, stayed at a campground near Madison, Virginia.
14. The League did not participate in the torch march on 11 August 2017. To my knowledge, the League played no part in planning that event. I did not personally attend the torch march.
15. On 12 August 2017, League members met with members of the Traditionalist Workers Party and the National Socialist Movement to travel to Emancipation Park. As we walked down the street, oppositionists and rallygoers shouted at each other. Oppositionists threw objects at rallygoers as they walked. Groups other than the League, TWP, and NSM had already gathered in the park when we approached, and a large crowd of oppositionists was already outside the park. A group of oppositionists formed a blockade in the road to prevent us from entering Emancipation Park. Police officers were standing behind barricades on the North side of the intersection, but they did nothing to help us or to keep the peace. I tried to push through the crowd to get to the park and fights broke out. Exhibit 35 at 6:25-6:43 and Exhibit 37 are accurate depictions of our interactions with the blockade. Exhibit 38 accurately depicts oppositionists attacking each other and shows a

man striking me in the head in an unprovoked attack. After the fighting died down, we entered the park. We did not push into the crowd again.

16. The crowd of oppositionists followed us to the southeast entrance to Emancipation Park.

People in the crowd seemed to represent a variety of ideas and groups. They did not seem to be part of a single cause other than opposing the rally. People in the crowd carried a variety of signs, including the ones depicted in Exhibit 40 and Exhibit 41. There were a number of different flags and symbols. I noticed Antifa imagery such as an "A" inside a circle, images of two overlapping flags, an image of three arrows pointing downward. Oppositionists in the crowd threw water bottles full of urine, bricks, feces, frozen water bottles, and other objects at rallygoers. Rallygoers threw some of these objects back into the crowd. People in the crowd carried and used a variety of weapons. I saw them with pepper spray and clubs, among other things. League medics treated rallygoers and members of the press when they were injured by the crowd.

17. I saw fights occurring in the crowd as stray rallygoers tried to get to the park. I led a group of rallygoers with shields to the park entrance to keep violent oppositionists out of the park. Men with shields stood in the entrance of the park until police told us to disperse. I stood between the shield line and the crowd for much of the day but entered the park twice to be treated by medics after being pepper sprayed. I did what I could to prevent and break up fights.

18. Throughout the day, Police were congregated at several points outside of the park. They did not intervene in the chaos until after the governor declared an unlawful assembly.

19. After the governor of Virginia declared an unlawful assembly, Dr. Hill and I told League members to exit the park. I tried speaking to a police officer about using the northern



exits to the park, but he ignored me. Police pushed rallygoers out of the park and into the crowd of oppositionists on the south side of the park. Police did nothing to separate oppositionists from exiting rallygoers and fighting resulted.

20. I exited the park and initially walked West on Market Street but then turned around with a group of others and walked back toward the Market Street garage. Oppositionists followed us with clubs in their hands. Fights continued to break out as rallygoers distanced themselves from the park.

21. When I reached the Market Street garage, I heard a fight taking place. I moved toward the mouth of the garage and told others moving in that direction to avoid getting involved. I then walked into the garage to help a man who had been beaten by oppositionists. He was laying motionless on the ground and had to be carried to safety. He had suffered a number of injuries to his body and head. I bandaged his bleeding head wound and stayed with him until he could be taken to the hospital. Exhibit 50 and Exhibit 58 are accurate depictions of the man's injuries and my role in caring for him.

22. I eventually traveled back to the campground where League members were staying.

23. Later in 2017, the League held political rallies in Shelbyville, KY and Tallahassee, FL.

Dr. Hill and other League officers gave similar instructions to League members about obeying the law and using force only for defensive purposes. Unlike the Charlottesville rally, law enforcement at those events kept oppositionists away from us and there was little if any violence. However, we were only allowed to occupy a small, enclosed area which prevented us from sharing the League's mission and values with locals.

24. The League has since held "flash rallies" that take place with little notice. We, the League officers, believed that this format would be safer, because violent oppositionists would

not have time to organize against us, and more effective because we can interact with locals free of intimidation. The League has held rallies in Knoxville, TN; Wetumpka, AL; and other locations using this format. Few oppositionists appeared at the League's flash rallies and there have been no major conflicts since August 2017. Exhibit 51 accurately describes the rally in Tallahassee, including the activity of law enforcement and lack of violent encounters.

25. To the best of my knowledge, I did not come into contact with any of the plaintiffs in this case and did not cause or contribute to any of their injuries. I am not aware of any League member who did so.

26. Exhibit 35 accurately depicts events of 12 August 2017 at 7:16-7:21, 9:20-9:31, 10:45-10:59

27. Exhibit 42 accurately depicts the events of 12 August 2017 at 0:59-2:33, 0:49-1:09, 3:10-3:30, 3:32-3:52, 3:59-4:27, 4:28-4:41, 5:15-5:53

28. Exhibit 43 accurately depicts the events of 12 August 2017 at 0-0:08, 0:59, and 10:27-11:01.

29. Exhibit 45 accurately depicts the events of 12 August 2017 at 31:22 and 35:25-36:06

30. Exhibit 46 accurately depicts the events of 12 August 2017 at 2:16-2:33, 4:36-5:04, 5:16, and 5:46-5:51.

31. Exhibit 49 accurately depicts the events of 12 August 2017 3:58-4:00, 6:30-6:36

32. Exhibit 57 accurately depicts the events of 12 August 2017 at 0:53-5:20.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Executed on this date: August 3, 2020

Michael Tubbs

Michael Tubbs